

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LBS INNOVATIONS, LLC,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 2:15-cv-01972-JRG
	§	
NOKIA CORPORATION, NOKIA USA	§	
INC., MICROSOFT MOBILE, INC., HERE	§	
HOLDING CORPORATION, HERE	§	
NORTH AMERICA LLC, HERE APPS LLC,	§	
AND YAHOO! INC.,	§	
	§	
<i>Defendants.</i>	§	

**PLAINTIFF LBS INNOVATIONS, LLC'S SECOND AMENDED
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff LBS Innovations, LLC files this Second Amended Complaint for Patent Infringement against Defendants Nokia Corporation, Nokia USA Inc., Microsoft Mobile, Inc., HERE Holding Corporation, HERE North America LLC, HERE Apps LLC, and Yahoo! Inc., and alleges as follows:

PARTIES

1. Plaintiff LBS Innovations, LLC is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 815 Brazos Street, Suite 500, Austin, Texas 78701.

2. Defendant Nokia Corporation (“Nokia Corporation”) is a corporation organized and existing under the laws of Finland, with its principal place of business in Espoo, Finland.

3. Defendant Nokia USA Inc. (“Nokia USA”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at

200 South Matilda Avenue, Sunnyvale, California 94086. Nokia USA is a wholly-owned subsidiary of Nokia Corporation.

4. Defendant Microsoft Mobile Inc., formerly known as Nokia, Inc. (“Nokia, Inc.”), was an indirect, wholly-owned subsidiary of Nokia Corporation until April 25, 2014, when it became a wholly-owned subsidiary of Microsoft Corporation. Microsoft Mobile Inc., is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 1 Microsoft Way, Redmond, Washington 98052-8300.

5. Defendant HERE Holding Corporation is a wholly-owned subsidiary of Nokia Capital, Inc., organized and existing under the laws of the State of Delaware, with its principal place of business located at 425 West Randolph Street, Chicago, Illinois 60606.

6. Defendant HERE North America LLC is a wholly owned subsidiary of HERE Holding Corporation, organized and existing under the laws of the State of Delaware, with its principal place of business located at 425 West Randolph Street, Chicago, Illinois 60606.

7. Defendant HERE Apps LLC (formerly Nokia Apps LLC) is a wholly owned subsidiary of HERE Holding Corporation, organized and existing under the laws of the State of Delaware, with its principal place of business located at 425 West Randolph Street, Chicago, Illinois 60606.

8. Defendant Yahoo! Inc. (“Yahoo”) is a corporation organized and existing under the laws of Delaware, with its principal place of business located at 701 First Avenue, Sunnyvale, California 94089.

THE JOINT OPERATIONS OF THE DEFENDANTS

9. In 2006, Nokia Corporation acquired a German company engaged in the mapping and location information business called “gate5.” Nokia Corporation changed the name of the “gate5” business to Nokia gate5 GmbH (“Nokia gate5”) in 2007. In the 2007-2008 time frame,

Nokia Corporation acquired a company called NAVTEQ Corporation (“NAVTEQ”), also engaged in the mapping and location information business. Nokia Corporation, using the assets and operations of NAVTEQ and Nokia gate5, as well as other entities owned and controlled by Nokia Corporation, began to offer mapping and location services under the name “Ovi Maps.” In 2011, Nokia Corporation changed the name of this joint enterprise to “Nokia Maps.” Nokia Corporation controlled the operations of Nokia Maps through a newly-created business segment called “Location & Commerce.” In late 2012, Nokia Corporation again changed the name of its mapping and location services business to “HERE” and offered such services under that name until December 2015, when it sold the HERE business.

10. In 2010, Nokia Corporation implemented a business strategy involving the use of its mapping and location services offered under the Ovi Maps and Nokia Maps brand names in various smartphones and feature phones it sold throughout the world, including the United States. This strategy was implemented through a business segment called “Devices and Services.” Nokia Corporation used the Nokia, Inc. legal entity as the entity legally responsible for this business. Since April 25, 2014, Nokia Inc. has been a wholly-owned subsidiary of Microsoft Corporation. Microsoft Mobile is liable for the liabilities of Nokia, Inc., arising prior to its acquisition by Microsoft.

11. Prior to December 2015, NAVTEQ was a wholly-owned subsidiary of Nokia Inc., and an indirect, wholly-owned subsidiary of Nokia Corporation. The corporate name of “NAVTEQ Corporation” was changed to HERE Holding Corporation in 2013. Nokia Corporation continued to operate its mapping and location services business, now under the brand name “HERE,” as a joint enterprise involving the entities Nokia Corporation, Nokia, Inc., Nokia USA, HERE Holding, HERE North America and HERE Apps, among other entities controlled by Nokia Corporation. HERE North America is a wholly-owned subsidiary of HERE

Holding, which, until December 2015, was an indirect, wholly-owned subsidiary of Nokia Corporation and Nokia USA.

12. Nokia Corporation operated and controlled its mapping and location services (until December 2015) through a group called the “Nokia Group Leadership Team” and, before then, the “Nokia Leadership Team” and the “Group Executive Board. The “Nokia Group Leadership Team” comprised senior executives from the various business segments involved in conducting all of the business done under the name “Nokia,” and this group conducted the overall business operations of Nokia as a joint enterprise. Defendants Nokia Corporation, Nokia USA, Nokia, Inc., HERE Holding, HERE North America and HERE Apps (collectively the “Nokia Group”) operated together as a joint enterprise with respect to the infringing activities alleged, with the exception that Nokia, Inc., ceased to be a part of the Nokia Group on April 25, 2014, and HERE Holding, HERE North America and HERE Apps ceased to be a part of the Nokia Group after December 2015, at which time the Nokia defendants (Nokia Corporation and Nokia USA) ceased their joint infringing activities.

13. On December 4, 2015, Nokia Corporation sold the HERE mapping and location services business (the “HERE Business”) to a consortium of automotive companies, comprising Audi AG, BMW Group, and Daimler AG (the “HERE Transaction”).

14. After the HERE Transaction, HERE Holding and HERE North America, together and through other subsidiaries under their control, have continued to operate the HERE Business as a joint enterprise, each acting as the agent of the other in conducting this business.

JURISDICTION AND VENUE

15. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code.

16. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

17. Upon information and belief, Defendants are subject to the specific personal jurisdiction of this Court's because Plaintiff's claims for patent infringement against Defendants arise from Defendants' acts of infringement in the State of Texas. These acts of infringement include the offering and selling of infringing products and services in the State of Texas, placing infringing products into the stream of commerce through an established distribution channel with full awareness that substantial quantities of the products have been shipped into the State of Texas, and operating an interactive website facilitating the sale of infringing products in the State of Texas. Therefore, this Court has personal jurisdiction over the Defendants under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

18. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendants have engaged in acts of infringement in the State of Texas described above sufficient to subject it to personal jurisdiction in this District if the district were a separate State.

ASSERTED PATENTS

19. On July 18, 2000, the United States Patent and Trademark Office issued United States Patent No. 6,091,956 ("the '956 Patent") entitled "Situation Information System," a true copy of which is attached as Exhibit 1.

20. Plaintiff is the owner by assignment of the Asserted Patents and owns all right, title, and interest in the Asserted Patents, including the right to sue for and recover all past, present, and future damages for infringement of the Asserted Patents.

THE DEFENDANTS' INFRINGING ACCUSED INSTRUMENTALITIES

The HERE/Nokia/Ovi Map Websites

21. Since 2010, the Nokia Group has made available to the public in the United States a website that practices the invention claimed in Claim 11 of the `956 Patent. In 2010, the Nokia Group referred to the website as "Ovi Maps," although the Nokia Group sometimes referred to it as "Nokia Maps." The Nokia Group made the Ovi Maps website available to the public at maps.ovi.com. In 2011, the Nokia Group changed the brand name for this mapping and location-based service website to "Nokia Maps." The Nokia Maps website was available to the public at maps.nokia.com. At the end of 2012, the Nokia Group again changed the brand name for this mapping and location-based service website to "HERE Maps." The HERE Maps website was available to the public at maps.here.com. Ovi Maps, Nokia Maps, and HERE Maps are collectively referred to herein as the "HERE/Nokia/Ovi Map Websites."

22. Since 2010 through December 2015, the Nokia Group made, used, offered for sale, and/or sold in the United States, and/or imported into the United States, the HERE/Nokia/Ovi Map Websites. The Nokia Group also made available to website users in the United States the HERE/Nokia/Ovi Map Websites.

23. The Nokia Group directly infringed Claim 11 of the `956 Patent by using the HERE/Nokia/Ovi Map Website in the United States during testing and/or demonstration of the HERE/Nokia/Ovi Map Websites and/or any other use of that website software.

24. The Nokia Group indirectly infringed Claim 11 of the `956 Patent by inducing users in the United States of the HERE/Nokia/Ovi Map Website to use the websites.

25. Since December 2015, the HERE Group has continued to directly and indirectly infringe Claim 11 of the `956 Patent with respect to the HERE Maps website in the manner described above.

The HERE/Nokia/Ovi Mobile Mapping Applications for Nokia Devices

26. Since 2010, the Nokia Group has made available to the public in the United States a mapping and location-based services application for use on Nokia smartphones, feature phones and tablets (“Nokia Mobile Devices”) that practices the invention claimed in Claim 11 of the ‘956 Patent. In 2010, the Nokia Group introduced certain Nokia Mobile Devices with a mobile version of the Ovi Maps mapping and location-based services software. In addition, the Nokia Group made available to the public in the United States the Ovi Maps applications for download to specified Nokia Mobile Devices using the Symbian operating system. The Ovi Maps mobile applications were available for download from nokia.com.maps. Later in 2010, the Nokia Group installed Ovi Maps in all of its GPS-enabled smartphones. In 2011, the Nokia Group discontinued the use of the “Ovi” brand name and rebranded the mobile mapping applications used in Nokia Mobile Devices as “Nokia Maps.” At the end of 2012, the Nokia Group again changed the brand name for the mobile mapping and location-based applications to “HERE Maps.” The mobile versions of the Ovi Maps, Nokia Maps, and “HERE Maps” applications are collectively referred to herein as the “HERE/Nokia/Ovi Mobile Mapping Applications.”

27. In 2011, the Nokia Group adopted the Windows Phone operating system (including Windows Phone 7 and 8) for its smartphone devices (the “Nokia Windows Phone Devices”). The Nokia Group introduced a mapping and location-based services application for use on the Nokia Windows Phone Devices (the “Nokia Maps Windows Phone Application”).

28. In late 2012, the Nokia Group changed the brand name for the mobile mapping and location-based applications described above to “HERE Maps.”

29. The mobile versions of Ovi Maps and Nokia Maps and the Nokia Maps Windows Phone Application for use on Nokia Mobile Devices are collectively referred to as the “HERE/Nokia/Ovi Mobile Mapping Applications for Nokia Mobile Devices.”

30. Since 2010 through April 25, 2014, the Nokia Group made, used, offered for sale, and/or sold in the United States, and/or imported into the United States Nokia Mobile Devices with the HERE/Nokia/Ovi Mobile Mapping Applications for Nokia Devices installed in those devices. The Nokia Group also made available to users of the Nokia Mobile Devices in the United States the HERE/Nokia/Ovi Mobile Mapping Applications for Nokia Devices to be downloaded onto Nokia Mobile Devices.

31. The Nokia Group directly infringed Claim 11 of the `956 Patent by using the HERE/Nokia/Ovi Mobile Mapping Applications for Nokia Mobile Devices in the United States during testing and/or demonstration of the Nokia Mobile Devices and/or any other use of those applications.

32. The Nokia Group indirectly infringed Claim 11 of the `956 Patent by inducing users in the United States of the HERE/Nokia/Ovi Mobile Mapping Applications for Nokia Mobile Devices to use those applications in the Nokia Mobile Devices.

33. Since December 2015, the HERE Group has continued to directly and indirectly infringe Claim 11 of the `956 Patent with respect to the mobile version of HERE Maps in the manner described above.

The HERE/Nokia/Ovi Mobile Mapping Applications for Third Party Mobile Devices

34. In 2011, the Nokia Group introduced a mapping and location-based services application for use on non-Nokia mobile devices (the “Nokia Maps HTML Application”) that practices the invention claimed in Claim 11 of the `956 Patent. The Nokia Group made available to the public in the United States the Nokia Maps HTML Application for download for use on non-Nokia mobile devices (“Third Party Mobile Devices”). In late 2012, the Nokia Group changed the brand name for the mobile mapping and location-based applications described above to “HERE Maps.”

35. In late 2012, the Nokia Group made available a version of HERE Maps for use on mobile devices using the iOS mobile operating system. In March 2015, the Nokia Group re-launched a new and improved version of HERE Maps for use on the mobile devices using the iOS mobile operating system (both versions of the HERE Maps application for iOS phones are referred to as the “HERE Maps iOS Phone Application”). In late 2014, the Nokia Group made available a version of HERE Maps for use on mobile devices using the Android mobile operating system (the “HERE Maps Android Application”). The Nokia Maps HTML Application, Nokia Maps Windows Phone Application and the HERE Maps” versions of these applications as well as the HERE Maps iOS Phone Application and HERE Maps Android Application discussed above are collectively referred to as the “HERE/Nokia/Ovi Mobile Mapping Applications for Third Party Mobile Devices.”

36. The HERE Maps mobile applications are available for download, for example, at the following links:

<https://play.google.com/store/apps/details?id=com.here.app.maps> (Android)

<https://itunes.apple.com/app/id955837609> (iOS)

<https://www.microsoft.com/en-us/store/apps/here-maps/9wzdnrcfhw6b> (Windows Phone).

37. Since 2010 through December 2015, the Nokia Group made available to users of Third-Party Mobile Devices in the United States the HERE/Nokia/Ovi Mobile Mapping Applications for Third-Party Devices to be downloaded onto the Third Party Mobile Devices.

38. The Nokia Group directly infringed Claim 11 of the `956 Patent by using the HERE/Nokia/Ovi Mobile Mapping Software Applications for Third Party Mobile Devices in the United States during testing and/or demonstration of the HERE/Nokia/Ovi Mobile Mapping Applications for Third-Party Devices and/or any other use of those applications.

39. The Nokia Group indirectly infringed Claim 11 of the `956 Patent by inducing users in the United States of the HERE/Nokia/Ovi Mobile Mapping Software Applications for Third Party Mobile Devices to use those applications in the Third Party Mobile Devices.

40. Since December 2015, the HERE Group has continued to directly and indirectly infringe Claim 11 of the `956 Patent with respect to the HERE Maps versions of the HERE/Nokia/Ovi Mobile Mapping Software Applications for Third Party Mobile Devices in the manner described above.

The HERE Auto Mapping Functionality

41. The Nokia Group introduced a mapping and location-based services application for use in automobiles based upon the HERE Location Platform and HERE Maps (the “HERE Auto Mapping Functionality”). The HERE Auto Mapping Functionality includes the ability of a driver or passenger to locate nearby places, such as restaurants and shops and updated information about such places such as opening hours, among other timely situation information about places.

42. The Nokia Group has licensed the HERE Auto Mapping Functionality to many automobile manufacturers for installation in automobiles made and sold by those manufacturers. These licensees include licensees located in the United States and automobiles sold and used in the United States. More than 13 million automobiles have been sold with the HERE Auto Mapping Functionality on board in 2014. The Nokia Group and the HERE Group have provided the HERE Auto Mapping Functionality for the navigation systems embedded in four out of every five new vehicles sold in North America in 2014, the majority of these sales occurring in the United States. Presently, the HERE Auto Mapping Functionality is in over 50 million automobiles world-wide, many of these located in the United States.

43. Since at least 2013 through December 2015, the Nokia Group has licensed the HERE Auto Mapping Functionality to third parties, including third parties in the United States, for use by these third parties in developing navigation systems for automobiles for use in the United States.

44. The Nokia Group directly infringed Claim 11 of the `956 Patent by using the HERE Auto Mapping Functionality in the United States during testing and/or demonstration of the HERE Auto Mapping Functionality and/or any other use of that functionality.

45. The Nokia Group indirectly infringed Claim 11 of the `956 Patent by inducing third party licensees of the HERE Auto Mapping Functionality to use that software to develop navigation systems for automobiles for use in the United States which have the infringing functionality.

46. The Nokia Group indirectly infringed Claim 11 of the `956 Patent by inducing end users of the HERE Auto Mapping Functionality to use that software in the United States.

47. Since December 2015, the HERE Group has continued to directly and indirectly infringe Claim 11 of the `956 Patent with respect to the HERE Auto Mapping Functionality in the manner described above.

The HERE/Nokia Maps Transport/Transit Application

48. Since 2013, the Nokia Group has made available to the public in the United States a mapping and location-based services application for use on a variety of mobile devices, including mobile devices using the Windows 8 Phone operating system that practices the invention claimed in Claim 11 of the `956 Patent. This mobile application is called HERE Transit or HERE Transport and has also been called Nokia Transit or Nokia Transport (the “HERE/Nokia Maps Transport/Transit Application”). The HERE/Nokia Maps Transport/Transit

Application is a mobile application providing underground/subway, tram, suburban train and bus directions.

49. The Nokia Group directly infringed Claim 11 of the `956 Patent by using the HERE/Nokia Maps Transport/Transit Application in the United States during testing and/or demonstration of that application and/or any other use of that application.

50. Since December 2015, the HERE Group has continued to directly and indirectly infringe Claim 11 of the `956 Patent in the manner described above.

The HERE Windows Website Application

51. The Nokia Group has made available to the public in the United States a mapping and location-based services application for use on mobile devices such as tablets that use the Windows 8 and Windows 10 operating systems. This application is called the HERE aps for Windows application (the “HERE Windows Website Application”). The HERE Windows Application is available for download, for example, at <https://www.microsoft.com/enus/store/apps/here-maps/9wzdncrfhwjq>.

52. The Nokia Group directly infringed Claim 11 of the `956 Patent by using the HERE Windows Website Application in the United States during testing and/or demonstration of that application and/or any other use of that application.

53. The Nokia Group indirectly infringed Claim 11 of the `956 Patent by inducing users in the United States of the HERE Windows Website Application to use that application in mobile devices compatible with that application.

54. Since December 2015, the HERE Group has continued to directly and indirectly infringe Claim 11 of the `956 Patent in the manner described above.

The Yahoo! Maps Websites

55. Since 2010, Yahoo! has made available to the public in the United States websites that practice the invention claimed in Claim 11 of the '956 Patent (the "Yahoo! Maps Websites"). The Yahoo! Maps Websites are located at <https://maps.yahoo.com/b> and <https://local.yahoo.com/>. The Yahoo! Maps Websites have utilized and continues to utilize the accused functionality of the HERE/Nokia/Ovi Map Websites described above.

56. Yahoo! directly infringed Claim 11 of the '956 Patent by using the Yahoo! Maps Websites in the United States during testing and/or demonstration of the Yahoo Maps Websites and/or any other use of that website software.

57. Yahoo! indirectly infringed Claim 11 of the '956 Patent by inducing users in the United States of the Yahoo! Maps Websites to use the websites.

Yahoo! Maps Website Traffic Functionality

58. Yahoo! has made available to the public in the United States distinct functionality on the Yahoo! Maps Website called "Traffic" that practices the invention claimed in Claim 11 of the '956 Patent (the "Yahoo! Website Traffic Functionality"). The Traffic component of Yahoo! Maps Website provides flow and incident data to help create safer and more efficient trips for travelers in motor vehicles. It delivers up-to-the-minute information about current traffic conditions and incidents that could cause delays, including slower than normal traffic flow, road works and accidents. It then helps drivers make the best decision about the rest of the journey by improving the accuracy of arrival times.

59. Yahoo! directly infringed Claim 11 of the '956 Patent by using the Yahoo! Website Traffic Functionality in the United States during testing and/or demonstration of that functionality and/or any other use of that website function.

60. Yahoo! indirectly infringed Claim 11 of the '956 Patent by inducing users in the United States of the Yahoo! Website Traffic Functionality to use that website function.

COMMON ALLEGATIONS

61. Plaintiff incorporates by reference its Disclosure of Asserted Claims and Infringement Contentions regarding Defendants Nokia USA Inc., Nokia Capital, Inc., HERE Holding Corporation, HERE North America LLC, Nokia Apps LLC, and Yahoo! Inc., as though fully set forth herein.

62. Defendants have engaged in indirect infringement by their conduct of providing their infringing Accused Instrumentalities to end users of those products for the purpose of enabling those end users to use the Accused Instrumentalities to directly infringe the '956 Patent. On information and belief, Defendants have intended, and continue to intend, to induce such patent infringement by end users of their Accused Instrumentalities, and have had knowledge that their inducing acts would cause infringement of the '956 Patent or have been willfully blind to the possibility that their inducing acts would cause direct infringement of the patent.

63. On information and belief, when Defendants' customers use the Accused Instrumentalities in accordance with Defendants' instructions, the situation information systems and methods are performed as described and claimed in the '956 Patent. Thus, Defendants' customers directly infringe the claimed methods of the '956 Patent by using the Accused Instrumentalities. Because the performance of the claimed situation information systems and methods are an essential part of the functionality of the Accused Instrumentalities, the Accused Instrumentalities do not have any substantial uses that do not infringe the '956 Patent. In addition, Defendants provide instructions to end users of their Accused Instrumentalities instructing the end users how to use the Accused Instrumentalities in a manner which directly infringes the '956 Patent. On information and belief, Defendants are aware that the Accused

Instrumentalities perform the claimed situation information systems and methods and, therefore, that Defendants' customers directly infringe the '956 Patent by using the Accused Instrumentalities.

64. The Nokia Group Defendants and the HERE Group Defendants have been aware of the '956 Patent at least since 2002 when the '956 Patent was cited during the prosecution of Nokia's U.S. Patent No. 7,088,692. Despite such notice, the Nokia Group Defendants and the HERE Group Defendants have continued to willfully infringe the '956 Patent, as alleged herein.

65. Defendant Yahoo has been aware of the '956 Patent no later than the service of this complaint upon Defendant.

66. Plaintiff has been damaged by Defendants' infringing activities.

67. The limitation of the damages provision of 35 U.S.C. § 287(a) is not applicable to LBSI.

68. Defendants' actions are part of the same transaction, occurrence, or series of transactions or occurrences and there is a logical relationship between the claims asserted against the Defendants such that there is substantial evidentiary overlap in the facts giving rise to the cause of action against each Defendant.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

(a) A judgment in favor of Plaintiff that Defendants have directly infringed and/or have indirectly infringed by way of inducement of one or more claims of the Asserted Patents;

(b) A judgment and order requiring Defendants to pay Plaintiff damages adequate to compensate for infringement under 35 U.S.C. § 284 in no event shall be less than a reasonable royalty for their usage made of the inventions of the Asserted Patents;

(c) A judgment awarding treble damages against the Nokia Defendants for willful infringement pursuant to 35 U.S.C. § 284;

(d) A judgment awarding Plaintiff its costs as provided under FED. R. CIV. P. 54(d)(1);

(e) A judgment for pre- and post-judgment interest on all damages awarded;

(f) A judgment awarding Plaintiff post-judgment royalties; and

(g) Any and all such further necessary or proper relief as this Court may deem just and equitable.

Dated: May 10, 2016

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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**ATTORNEYS FOR PLAINTIFF
LBS INNOVATIONS, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 10th day of May, 2016. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Eric W. Buether

Eric W. Buether